

SENATE CHAMBER,  
AUSTIN, TEXAS, Saturday, May 21, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the Chaplain.

Journals of Thursday and Friday read and approved.

PETITIONS AND MEMORIALS.

Senator Flanagan presented a petition for relief of J. Wadsworth. Read and referred to Committee on Claims and Accounts.

Senator Pyle presented a petition from citizens of Cedar Grove, Kaufman county, asking the prohibition of the sale of intoxicating liquors within five miles.

Referred to Committee on Judiciary.

Senator Dohoney presented a petition of R. S. Brame, of Lamar county, Texas, for relief.

Referred to Committee on Finance.

Senator Fountain presented a communication from the Secretary of State of the United States, the Hon. Hamilton Fish, addressed to his Excellency the Governor of Texas, relative to the rights of French subjects in the State. Senator Fountain moved its reference to Committee on Judiciary, with instructions to report upon the propriety of the passage of an act embodying the suggestions in said communication. Carried.

Senator Hall presented a memorial of citizens of the county of Robertson against removing the county site to Calvert.

Referred to Committee on Counties and County Boundaries.

Report of Committee on Roads, Bridges and Ferries on Senate bill No. 5.

COMMITTEE ROOM,  
Austin, May 21, 1870.

HON. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Roads, Bridges and Ferries beg leave to report that they have duly examined Senate bill No. 5, introduced by Senator Baker, asking that authority be granted to Vaughn, Saffold & Smith to construct and maintain a bridge across the Guadalupe river, at or near the town of Seguin, Guadalupe county, Texas, and do hereby return the same, recommending its passage, with the following substitute in section one: Instead of the clause "within one

mile and a half of the town of Seguin," insert "within four miles of the town of Seguin."

For Chairman of Committee.

WEBSTER FLANAGAN.

Laid over under the rules.

#### REPORT OF COMMITTEES ON ROADS, BRIDGES AND FERRIES ON SENATE BILL NO. 107.

MR. PRESIDENT: Your Committee on Roads, Bridges and Ferries beg leave to report that they have duly examined Senate Bill No. 107, introduced by Senator Pickett, to incorporate the Pine Island Bridge Company, and recommend its passage.

WEBSTER FLANAGAN,  
for Committee.

Laid over under the rules.

#### REPORT OF COMMITTEE ON ROADS, BRIDGES AND FERRIES ON SENATE BILL NO. 3.

MR. PRESIDENT: Your Committee on Roads, Bridges and Ferries beg leave to report that they have duly examined into Senate Bill No. 3, introduced by Senator Baker, asking authority for Messrs. Harwood, Belding & Mason to construct a bridge across the Guadalupe river, at or near the town of Gonzales, in Gonzales county, Texas, and recommend its passage.

WEBSTER FLANAGAN,  
for Committee.

Laid over under the rules.

#### REPORT OF COMMITTEE ON FINANCE.

COMMITTEE ROOM,  
May 21, 1870.

To Hon. DON CAMPBELL,

President of Senate:

Your Finance Committee, to whom was recommitted the report, with joint resolution for the relief of John T. Allan, report the following substitute.

Your Committee, after a full investigation, find from the proofs adduced before them that the Hon. John T. Allan, late State Treasurer, has been robbed of six thousand nine hundred and sixty dollars and ten cents (\$6,960.10), funds in his charge which were kept by him in a safe in the Treasury, and that he has paid part of the above

amount, to-wit, eighty-one dollars and two cents (\$81.02), out of his own money, in order to make a full settlement of the county tax account. They are also satisfied that there was no want of due diligence on his part.

Your committee, on full proofs, are satisfied that he is not in morals, and could not in law, be held responsible for this and the other smaller amounts which have not yet been credited to him. Herein they conceive it to be their duty not to report a relief bill, but instead thereof the accompanying joint resolution directing a settlement with him, in accordance with right and justice, and recommend that it be passed.

J. S. MILLS,  
Chairman.

Laid over under the rules.

#### REPORT OF COMMITTEE ON FINANCE.

COMMITTEE ROOM,  
Austin, Texas, May 21, 1870.

Hon. DONALD CAMPBELL,  
President State Senate:

Your Finance Committee have had the joint resolution relative to the salary of Col. Dudley, Superintendent of the Penitentiary, under consideration, and ask further time to report.

J. S. MILLS,  
Chairman Committee on Finance.

Leave granted.

#### REPORT OF COMMITTEE ON SENATE BILL NO. 81.

COMMITTEE ROOM,  
Austin, May 19, 1870.

To the HON. DON CAMPBELL,  
President of Senate:

The Committee on Finance to whom was referred Senate bill No. 81, entitled "An Act to legalize an ordinance adopted by the Convention on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company, in Falls and McLennan counties," present this report. That the committee, having examined the ordinance in question, find that by its terms it was left to the people of the counties of McLennan and Falls to decide by an election to be held by the qualified voters of said counties whether they would tax themselves in conformity with said ordinance, to aid in building the Waco Tap Road. Evidence

was produced before the committee showing that such election was held in the said counties, and resulted as follows, to-wit :

IN McLENNAN COUNTY.

For the tax .....	632 votes
Against .....	43 "
Majority for .....	589 "

FALLS COUNTY.

For the tax .....	358 votes.
Against .....	30 "
Majority for .....	328 "

Wherefore your committee have unanimously agreed to report back the bill to the Senate with the recommendation that it do pass.

J. S. MILLS,  
Chairman Finance Committee.

Laid over under the rules.

REPORT OF COMMITTEE ON FINANCE ON SENATE  
BILL No. 112.

COMMITTEE ROOM,  
Austin, May 21, 1870.

Hon. DON CAMPBELL,

President of the Senate :

The Finance Committee, to whom was referred Senate Bill No. 112, entitled "An Act to Provide for Levying a Special Tax in Caldwell County for the Purpose of Relieving the County from Indebtedness, and Building a County Jail," have instructed me to report back the bill with a recommendation that it pass.

J. S. MILLS,  
Chairman of Finance Committee.

REPORT OF COMMITTEE ON JUDICIARY ON SENATE  
BILL No. 70.

JUDICIARY COMMITTEE ROOM,  
Austin, May 20, 1870.

To the Hon. DON CAMPBELL,

President of the Senate :

The Judiciary Committee, to whom was referred Senate Bill No. 70, entitled "An Act to Repeal Part of an Act Entitled 'An Act to Levy Taxes, approved November 6, 1866,'" have duly considered

the same, and instruct me to report it back to the Senate and recommend that the bill do not pass.

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.

Senator Rawson introduced a bill entitled "An Act to Organize a System of Public Free Schools in the State of Texas."

Read first time and referred to Committee on Education.

Senator Ruby introduced a bill entitled "An Act to Incorporate the Texas Harbor Improvement and Dock Company."

Read first time and referred to Committee on Internal Improvements.

Senator Pridgen introduced a bill entitled "An Act to Establish a Criminal Court in the City of Victoria."

Read first time and referred to Committee on Judiciary.

Senator Pridgen introduced a bill entitled "An Act to Incorporate the Cuero Bridge Company."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Also, a bill entitled "An Act to amend the 9th section of an act to amend the charter of the town of Goliad."

Read first time, and referred to Committee on Judiciary.

Senator Shannon introduced a bill entitled "An Act to amend an act donating 160 acres of land to actual settlers on the public domain.

Read first time, and referred to Committee on Judiciary.

Senator Clark offered the following resolution :

## A RESOLUTION TO DETECT CRIME AND PUNISH CRIMINALS.

WHEREAS, It is currently reported and believed by many that there are lawless clans and combinations in many parts of the State, of outlaws and villains combined together for the resistance of the civil authority of the State, and to carry on a system of theft, robbery, rapine and murder, and

WHEREAS, It is unjust that the civil, orderly and law abiding portions of the State should suffer with the guilty; and that a proper discrimination may be made between the virtuous and the lawless, and that the former shall not be coupled and associated in the minds of strangers with the latter, and that the guilty, whomsoever and wheresoever they may be found, may be brought to condign punishment.

*Be it resolved*, That each Senator be and he is hereby called upon to report, separately and severally, to the Senate if he knows of

any such lawless combinations, if so, in what part of the State, naming the county or counties, whether any attempt has ever been made to resist the civil authority, when and where and by whom, and whether any attempt at the rescue of a prisoner, in custody of the law, has ever been successfully and openly made, and if any such lawless associations ever existed, do they still exist, and where. Carried.

Senator Bowers moved that five hundred copies of same be published for the use of the Senate. Carried.

Senator Dohoney introduced a bill entitled "An Act to amend an act approved November 10, 1866, regulating appeals from justices' courts."

Read first time and referred to Committee on Judiciary.

Senator Baker introduced a bill entitled "An Act providing for the removal and appointment of certain officers in the State of Texas."

Read first time and referred to Committee on Judiciary.

Senator Ford introduced a bill entitled "An Act to incorporate the Austin Bridge Company."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Senator Saylor introduced a bill entitled "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home, Bryan, Brazos county, Texas."

Read first time and referred to Committee on Judiciary.

Also a bill entitled "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company."

Read first time and referred to Committee on Internal Improvements.

Senator Bowers introduced a bill entitled "An Act requiring justices of the peace to tax a jury fee of three dollars in each criminal case trial before them, and to allow fees to jurors in such cases."

Read first time and referred to Committee on Judiciary.

Also, a bill entitled "An Act to amend articles 826, 827 and 828 of an act entitled 'An Act to adopt and establish a code of criminal procedure for the State of Texas,' approved August 26, 1856.

Read first time and referred to Committee on Judiciary.

Senator Alford introduced a bill entitled "An Act to amend article 952 of an act entitled An Act supplemental to and amendatory of an act to establish a code of criminal procedure for the State of Texas," approved February 15, 1868.

Read first time and referred to Committee on Judiciary.

Senator Latimer offered the following resolution:

*Resolved*, That the Judiciary Committee be requested to inquire

into the expediency of passing some general law, regulating the adoption of children, emancipation of minors, and the granting of divorce, as provided for in the thirteenth section of the twelfth article of the Constitution. Adopted.

Senator Dohoney introduced a bill entitled "An Act to Amend an act approved May 11, 1846, in Reference to District Courts."

Read first time, and referred to Committee on Judiciary.

Also, a bill entitled "An Act to Amend an act approved May 31, 1846, in Reference to Pleading."

Read first time, and referred to Committee on Judiciary.

(General file.)

Senate bill No. 58, "An Act to Incorporate the Galveston Horticultural Society."

Read second time, and passed to engrossment.

(Senator Flanagan called to the chair.)

On motion of Senator Ruby, the rules were suspended, and the bill read third time and passed.

The yeas and nays were ordered and resulted, Yeas 22; Nays, none.

Those who voted in the affirmative were: Messrs. Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon.

Absent—Bell, Douglas, Evans, Hertzberg, Latimer, Parsons.

Senate bill No. 8, "An Act to Incorporate the Town of Halls-ville, in Harrison county, Texas.

Read second time as amended, and passed to engrossment.

On motion of Senator Ruby, the rules were suspended, and the bill read the third time and passed.

The yeas and nays were ordered and resulted: Yeas, 20; nays, none.

Those who voted in the affirmative were: Messrs. Baker, Bowers, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Pridgen, Pettit, Pickett, Priest, Pyle, Ruby, Rawson, Saylor, Shannon.

Absent—Alford, Bell, Broughton, Douglas, Evans, Hertzberg, Latimer, Parsons.

Senate bill No. 41, "An Act to Confirm the Compromises and Settlements between the Corporation of the City of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

Read second time, and passed to engrossment.

Senator Ruby moved suspension of the rules, and that the bill be put on its third reading and final passage.

Rules suspended.

Bill read third time and passed.

The yeas and nays were ordered and resulted: Yeas 20, nays 0. Those who voted in the affirmative were: Baker, Bowers, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Pettit, Pickett, Pridgen, Priest, Pyle, Ruby, Rawson, Saylor, Shannon.

Absent—Alford, Bell, Broughton, Douglas, Evans, Hertzberg, Latimer, Parsons.

Senate bill No. 75—"A bill for the relief of the heirs of Gen. Sam Houston, deceased."

Read second time and passed to engrossment.

On motion of Senator Bowers, the rules were suspended that the bill might be placed on its third reading and final passage.

Bill read third time, and the question being, "shall the bill pass?" the yeas and nays were ordered and resulted: Yeas 20, nays 0.

Those who voted in the affirmative were: Messrs. Baker, Bowers, Cole, Clark, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Pettit, Pickett, Pridgen, Priest, Pyle, Rawson, Ruby, Saylor, Shannon.

Absent—Messrs. Alford, Bell, Broughton, Douglas, Evans, Hertzberg, Latimer, Parsons.

Senator Fountain moved that a committee of three be appointed by the chair to confer with a like committee on the part of the House and report upon a uniform hour of adjournment. Carried.

The chair appointed on said committee Senators Fountain, Bowers and Saylor.

On motion of Senator Fountain, the Senate adjourned till 12 M. Monday.